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# U.S. Saw Korean Jet Stray, Suit Says

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Evidence introduced in lawsuits filed in connection with the Soviet downing of Korean Air Lines Flight 007 suggests that American radar operators knew hours beforehand that the jetliner was off course and heading into Soviet airspace.

The words, "We should warn him," presumably referring to the plane's pilot, were heard at the Government's civil air-traffic control station in Alaska as the Boeing 747 strayed off course toward its fatal encounter with a Soviet fighter plane two years ago today, according to the documents.

The documents were submitted Friday as evidence in damage suits filed against the United States Government by relatives of the 269 people who died in the incident.

The official United States position has been that no one knew the Korean airliner was veering hundred of miles from its prescribed route and that therefore no warning could have been considered.

The contention about the warning is in an affidavit by a veteran former air controller who listened to a copy of a recording of ground-to-air contacts made several hours before the Korean plane was shot down over Sakhalin Island in the Soviet Union.

## Suit Filed in Washington

The affidavit was submitted by attorneys for families of the victims in Federal District Court in the District of Columbia.

Those who have questioned the United States role in the tragedy have insisted that American radar operators must have known the Korean flight was headed for Soviet air space and should have warned the crew.

Officials in Washington have contended from the beginning that civilian radar in Alaska did not reveal any significant deviation from course and that military air-defense posts were primarily concerned with unidentified planes approaching this country, not outbound planes.

Mark Dombroff, who left a post in the Justice Department earlier this summer and but has been serving as a Government consultant on the case, said in regard to the "we should warn him" assertion:

"No controller had any reason at any time to believe that anything was other than what it was supposed to be. That is true no matter what the plaintiffs may fancifully assert was on that tape."

## Judge Will Decide

"The judge will listen to it," Mr. Dombroff said, "and decide whether there is anything there. In my opinion, there is nothing."

In a reply, Milton Sincoff, co-chairman of the committee of plaintiffs' lawyers, asserted, "The Government knows the identity of the person who said those words and is concealing it."

Mr. Sincoff added: "The record on file in court demonstrates that the Government destroyed the automatic recordings of what was observed on the radar scopes that night. The concealment of the identity of the person who spoke those words and the destruction of the recordings indicate the obvious."

The Government has said that tapes that record radar trackings are routinely recycled after 30 hours and that no one had anticipated those from the night of the incident would be needed later.

The Government says the Korean crew simply made an error in inserting

data into their plane's navigation computers.

The new documents leave open the source of the words heard in the background of the recording. Mr. Sincoff raised three possibilities.

One was that they were spoken by an Air Force radar operator at nearby Elmendorf Air Force Base and came over a loudspeaker in the Federal Aviation Administration's air-traffic control center at Anchorage. A second possible source was an F.A.A. supervisor who had been alerted by the Air Force. A third was that they came from an F.A.A. supervisor or controller who had seen the errant plane on a radar display sent remotely to the civilian center from an Air Force radar site.

According to the documents, the warning statement was made after flight 007 had passed beyond civilian radar coverage on its Anchorage-to-Seoul flight and was being handled by voice only. The controller responsible for the plane did have a screen near him that showed that at least one Air Force radar was displaying the plane but that radar had not been commissioned for civilian use. The Air Force radar blip would not normally have had an attached data block identifying the craft as Korean flight 007, as civilian radar does.

## Effort to Contact Plane

The F.A.A.'s official transcript of the radio exchanges between the flight and the civilian controller do not include any words about a warning. However, about the time those who filed the suit contend the background words were heard, the controller was trying unsuccessfully to contact the errant plane.

He was trying to reach the jumbo jet because the crew was late in making a routine position report. Indirect contact, including the relaying of the position report, was made through the crew of another Korean 747 that had taken off a few minutes behind flight 007 along the same route to Japan and Korea that skirts Soviet airspace.

The position report from Korean flight 007 was obviously wrong, as subsequent events proved. The Soviet Government has insisted that the plane was deliberately flying off course on a spy mission, which the United States and Korea have firmly denied.